

COMMITTEE ROOM, AUSTIN, July 2, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on public lands have had under consideration House bill No. 46, "An act to amend article 3888 of the Revised Civil Statutes," and instruct me to report the same back with the recommendation that it do pass.

LANE, *Chairman.*

The bill was read first time.

Senator Brown, chairman committee on engrossed bills, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 2, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on engrossed bills herewith report correctly engrossed the following bills, viz:

Substitute for Senate bill No. 17, entitled "An act to create a commission of arbitration and award and define the powers and duties thereof;"

Senate bill No. 24, entitled "An act amending article 3720 of the Revised Civil Statutes, approved April 29, 1879;"

Senate bill No. 58, entitled "An act to provide for the sale, exchange or destruction of useless or injured property belonging to the state;"

Senate bill No. 66, entitled "An act to diminish the civil and criminal jurisdiction of the county court of Limestone county and conform the jurisdiction of the district court of said county to such change."

BROWN, *Chairman.*

On motion of Senator Lane, the Senate adjourned until 9 o'clock to-morrow morning.

TWENTY-FIRST DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, July 3, 1879. }

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Davenport, the reading of the journals of yesterday was dispensed with and same adopted.

On motion of Senator Hobby, Senator Stewart was excused for the day.

On motion of Senator Davenport, W. A. Fields, Esq., assistant secretary of the Senate, was excused until day after to-morrow.

On motion of Senator Swain, Senator Tilson was indefinitely excused from Saturday next.

Senator Davenport moved that the journals of yesterday be corrected to show that he moved to refer that part of the governor's message and accompanying bill, with regard to the capture of fugitives from justice, etc., to judiciary committee No. 1, and that part of the message and accompanying bill, with regard to the boundaries of counties, to committee on counties and county boundaries, and the required correction made.

Adopted.

Senator Stewart, chairman of judiciary committee No. 2, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 3, 1879.

Hon. J. D. Sayers, President of the Senate:

Your judiciary committee No. 2 have considered House bill No. 49, entitled "An act to amend article 1136, chapter 1, title 28 of the Revised Statutes, adopted February 21, 1879," and I am instructed by said committee to report said bill back to the Senate, and to recommend its passage.

STEWART, *Chairman.*

Bill read first time.

Senator Tilson, chairman of committee on counties and county boundaries, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 3, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on counties and county boundaries, to whom was referred the message of his excellency the governor, on the subject of the boundary line between the counties of Wise and Montague, have considered the same, and would most respectfully submit to the Senate a bill entitled "An act amendatory of 'an act defining the boundary line of Montague county,'" and recommend its passage.

TILSON, *Chairman.*

Bill read first time.

House bill No. 33, entitled "An act to better provide for and facilitate the collection of all judgments in favor of the state or any county thereof," was taken up, read third time and passed by the following vote:

YEAS.

| | | | |
|--------------|----------|------------|------------|
| Blassingame, | Gooch, | Lane, | Patton, |
| Brown, | Grace, | Martin, | Ripetoe, |
| Buchanan, | Guy, | McCulloch, | Shannon, |
| Burnett, | Hobby, | Moore, | Swain, |
| Davenport, | Houston. | Motley, | Tilson—22. |
| Ford, | Lair, | | |

NAYS—none.

Not voting—Burton, Edwards, Ledbetter, Storey, Street, Terrell:

Senate bill No. 24, entitled "An act to amend 'an act amending article 3720 of the Revised Civil Statutes,' approved April 29, 1879," was taken up and read third time.

Senator Gooch moved a call of the Senate.

Call sustained.

Roll called. Absent—Burton, Edwards, Ledbetter, Street, Storey, Terrell.

Senator Houston stated that Senators Edwards, Ledbetter and Street were absent on conference committee, and therefore by leave of the Senate.

Senator Shannon moved to suspend the rules and take up the bill reported from the committee on counties and county boundaries this morning, entitled "An act amendatory of 'an act defining the boundary line of Montague county.'"

Carried.

Senator Shannon moved to suspend the rules and place the bill on its second reading (Senate bill No. 83).

Carried by the following vote:

YEAS.

| | | | |
|--------------|------------|--------|----------|
| Blassingame, | Burnett, | Ford, | Guy, |
| Brown, | Burton, | Gooch, | Houston, |
| Buchanan, | Davenport, | Grace, | Lair, |

| | | | |
|--------------------------------|---------------------------------|---------------------------------|----------------------------------|
| Lane, Ledbetter, Martin, | McCulloch, Moore, Motley, | Patton, Ripetoe, Shannon, | Storey, Street, Tilson—24. |
|--------------------------------|---------------------------------|---------------------------------|----------------------------------|

NAYS—none.

Not voting—Edwards, Hobby, Stewart, Swain, Terrell.

Bill read second time and ordered engrossed.

On motion of Senator Shannon, the rules were further suspended to put the bill on its third reading.

Carried by the following vote:

YEAS.

| | | | |
|---|--|---|--|
| Blossingame, Brown, Buchanan, Burnett, Burton, Davenport, Ford, | Gooch, Grace, Guy, Hobby, Houston, Lair, Lane, | Ledbetter, Martin, McCulloch, Moore, Motley, Patton, | Ripetoe, Shannon, Storey, Street, Swain, Tilson—26. |
|---|--|---|--|

NAYS—none.

Not voting—Edwards, Terrell.

Bill read third time and passed.

The absent senators appearing, the Senate was announced full, and the consideration of Senate bill No. 24 was resumed, and bill passed by the following vote:

YEAS.

| | | | |
|--|--|--|---|
| Blossingame, Brown, Buchanan, Ford, Gooch, | Hobby, Lair, Lane, Ledbetter, | Martin, McCulloch, Moore, Storey, | Street, Swain, Terrell, Tilson—17. |
|--|--|--|---|

NAYS.

| | | | |
|-----------------------------------|----------------------------|--------------------|-------------------------|
| Burnett, Burton, Davenport, | Grace, Guy, Houston, | Motley, Patton, | Ripetoe, Shannon—10. |
|-----------------------------------|----------------------------|--------------------|-------------------------|

Not voting—Edwards.

House bill No. 46, entitled "An act to amend article 3888, chapter 5, title 79 of the Revised Civil Statutes," was taken up, read second time and passed to third reading.

Senator Buchanan moved to suspend the rules and take up Senate bill No. 77, entitled "An act supplementary to an act entitled 'an act to provide for the organization of state penitentiaries, and to regulate the management of the convicts therein,' approved March 24, 1879.

Carried and bill read second time.

(Senator Hobby in the chair.)

Senator Burnett offered the following amendment:

"Section 5. After the word 'bill,' in line two, add the following: 'There being now only one assistant superintendent and the welfare of the convicts and interests of the state requiring two or more such officers.'"

Adopted.

Also the following:

Section 1, line six, between the words "penitentiaries" and "who," insert the following: "who shall hold their offices during the term of the governor, unless sooner discharged by the governor and."

Adopted and bill ordered engrossed.

Senator Burnett moved to suspend the rules and place the bill on its third reading.

Carried by the following vote:

| | | | |
|------------|------------|------------|------------|
| YEAS. | | | |
| Brown. | Ford, | McCulloch. | Storey, |
| Buchanan, | Gooch, | Moore, | Street, |
| Burnett, | Hobby, | Patton, | Swain, |
| Burton, | Lane, | Ripetoe, | Terrell, |
| Davenport, | Ledbetter. | Shannon. | Tilson—22. |
| Edwards, | Martin, | | |

| | | | |
|--------|----------|-------|-----------|
| NAYS. | | | |
| Grace. | Houston, | Lair, | Motley—4. |

Not voting—Blassingame, Guy.

Bill read third time and passed by the following vote:

| | | | |
|------------|------------|------------|------------|
| YEAS. | | | |
| Brown, | Ford, | Martin. | Storey, |
| Buchanan, | Gooch, | McCulloch, | Street, |
| Burnett, | Hobby. | Moore, | Swain. |
| Burton, | Lair, | Patton, | Terrell, |
| Davenport, | Lane, | Ripetoe, | Tilson—22. |
| Edwards, | Ledbetter, | | |

| | | | |
|--------|----------|---------|------------|
| NAYS. | | | |
| Grace, | Houston, | Motley. | Shannon—5. |
| Guy, | | | |

Not voting—Blassingame.

Senator Street made a motion to reconsider the vote by which Senate bill No. 42, entitled "An act to amend article 3962, chapter 79 of the Revised Civil Statutes," was passed on yesterday.

The motion carried.

Senator Street then, by the unanimous consent of the Senate, withdrew the amendment he offered to said bill on yesterday, and which was adopted.

The amendment referred to is as follows:

"*Provided*, that this act shall not apply to any lands that were not open to location prior to the issuance of patents therefor."

Senator Lane offered the following amendment:

Amend by striking out all of section 1, from and after the word "land" in line three of section 1, and insert the following: "Certificate or other legal evidence of claim to land, be and the same are hereby validated notwithstanding the existence of any reservation at the time the same were either located or patented."

Adopted by the following vote:

| | | | |
|--------------|--------|------------|------------|
| YEAS. | | | |
| Blassingame. | Ford, | Lane, | Ripetoe, |
| Brown, | Gooch. | Martin. | Shannon, |
| Buchanan, | Grace, | McCulloch. | Street, |
| Burnett, | Guy, | Moore, | Terrell, |
| Davenport, | Hobby. | Motley, | Tilson—25. |
| Edwards, | Lair, | Patton, | |

NAYS—none.

Not voting—Burton, Houston, Ledbetter, Storey, Swain.

Senator Terrell offered the following amendment:

Insert after the word "lands" in line two of section 1 the word "already."

Adopted by the following vote:

YEAS.

| | | | |
|--------------|--------|------------|------------|
| Blassingame. | Gooch. | Martin, | Shannon. |
| Brown, | Grace, | McCulloch. | Storey, |
| Burnett, | Guy, | Moore, | Street, |
| Davenport, | Hobby. | Motley, | Terrell, |
| Edwards, | Lair, | Patton, | Tilson—23. |
| Ford, | Lane, | Ripetoe, | |

NAYS—none.

Not voting—Buchanan, Burton, Houston, Ledbetter, Swain.
The bill was then passed by the following vote:

YEAS.

| | | | |
|--------------|--------|------------|------------|
| Blassingame. | Ford, | Lane, | Ripetoe, |
| Brown, | Gooch. | Martin, | Shannon, |
| Buchanan. | Grace. | McCulloch. | Storey, |
| Burnett, | Guy, | Moore, | Terrell, |
| Davenport, | Hobby. | Motley, | Tilson—23. |
| Edwards. | Lair, | Patton, | |

NAYS—none.

Not voting—Burton, Houston, Ledbetter, Street, Swain.

Senator Brown, chairman of committee on engrossed bills, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 3, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on engrossed bills herewith report the following bills correctly engrossed, viz:

Substitutue for Senate bill No. 36, entitled "An act to amend title 80 (public printing), of an act to adopt and establish the Revised Civil Statutes of the State of Texas, passed February 21, 1879," by adding an additional article to be styled 4019a;

Senate joint resolution No. 15, "authorizing and instructing the employment of female clerks in the comptroller's, treasurer's and general land office."

BROWN, *Chairman.*

House bill No. 27, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of Upshur, Erath, Comanche, Eastland, Palo Pinto, Stephens, Shackelford, Throckmorton, Taylor, Callahan and Panola counties, and conform the jurisdiction of the district courts of said counties to such change," was taken up and read third time.

Senator Duncan moved to suspend the further consideration of this bill until the evening session.

Carried.

House bill No. 71, entitled "An act amending article 896, chapter 1, title 11 of the Code of Criminal Procedure, approved April 24, 1879," was taken up and passed to third reading.

Senator Burnett moved to suspend the rules and take up House bill No. 49, entitled "An act to amend articles 1007 and 1008 of the Revised Civil Statutes."

Carried.

Senator Burnett moved to suspend the rules and place the bill on its second reading.

Carried by the following vote:

YEAS.

| | | | |
|--------------|------------|--------|--------|
| Blassingame, | Burton, | Ford, | Guy, |
| Brown, | Davenport, | Gooch, | Hobby, |
| Burnett, | Edwards, | Grace, | Lair, |

| | | | |
|--------------------------------|----------------------------------|--------------------------------|------------------------|
| Lane, Ledbetter, Martin, | McCulloch, Motley, Patton, | Ripetoe, Storey, Street, | Terrell, Tilson—23. |
|--------------------------------|----------------------------------|--------------------------------|------------------------|

NAYS—none.

Not voting—Buchanan, Houston, Moore, Shannon, Swain.

Bill read second time and passed to a third reading.

The rules were suspended by the following vote to place the bill on its third reading:

YEAS.

| | | | |
|--|--|---|--|
| Blossingame, Brown, Buchanan, Burnett. Burton, Davenport, Edwards, | Ford, Gooch, Grace, Guy, Hobby, Houston, Lair, | Lane, Ledbetter, Martin, McCulloch, Moore, Motley, | Ripetoe, Shannon, Storey, Street, Terrell. Tilson—26. |
|--|--|---|--|

NAYS—none.

Not voting—Patton, Swain.

Bill read third time and passed by the following vote:

YEAS.

| | | | |
|--|--|--|--|
| Blossingame, Brown, Buchanan, Burnett. Burton, Davenport, | Duncan, Edwards, Ford, Guy, Hobby, | Houston, Lair, Ledbetter, Martin, McCulloch, Moore, | Motley, Ripetoe, Shannon, Street, Tilson—23. |
|--|--|--|--|

NAYS—none.

Not voting—Grace, Lane, Patton, Storey, Swain, Terrell.
(President in the chair.)

The president, after publicly reading their captions, signed the following bills:

House bill No. 17, "An act to equalize and regulate the pay and arming of all military or police companies organized and operated under any law of this state, except those organized under the militia law;"

House bill No. 41, "An act to provide for the transfer of judgments rendered in the county courts, where the civil and criminal jurisdiction (or either) has been transferred to the district courts, and to authorize the enforcement thereof;"

And Senate bill No. 57, "An act to enable the municipal authorities of towns and cities, and the commissioners' courts of the counties wherein such towns and cities are situated, to co-operate with each other, making such improvements as will improve the public health and promote sanitary regulations;"

Senate bill No. 22, entitled "An act to amend section 8 of 'an act regulating the government of the Agricultural and Mechanical College of Texas,' approved March 9, 1875," was taken up.

Senator Brown moved to postpone the bill until to-morrow at 10 o'clock A. M.

(Senator Martin in the chair.)

Senator Gooch moved a call of the Senate.

Call sustained.

Roll called. Absent—Grace.

On motion of Senator Ledbetter, the call was suspended.

Senator Patton moved a call of the Senate, which was seconded, and roll called. Absent—Grace.

Pending the call the bill went to the table.

Call suspended.

Senator McCulloch's motion to postpone consideration of the bill until Monday morning at 10 o'clock, was lost by the following vote:

| YEAS. | | | |
|--------------|------------|------------|------------|
| Davenport. | McCulloch. | Patton. | Storey—5. |
| Gooch, | | | |
| NAYS. | | | |
| Blossingame, | Edwards, | Lane, | Shannon. |
| Brown, | Ford, | Ledbetter. | Street, |
| Buchanan. | Guy, | Martin, | Swain, |
| Burnett, | Hobby, | Moore, | Terrell, |
| Burton, | Houston. | Motley. | Tilson—23. |
| Duncan. | Lair, | Ripetoe, | |

Not voting—Grace.

Senator Brown's motion to postpone until to-morrow morning at 10 o'clock was lost by the following vote:

| YEAS. | | | |
|--------------|----------|------------|------------|
| Brown, | Grace, | McCulloch. | Storey, |
| Davenport. | Guy. | Patton. | Swain—9. |
| Gooch, | | | |
| NAYS. | | | |
| Blossingame, | Edwards, | Lane, | Ripetoe, |
| Buchanan, | Ford, | Ledbetter. | Shannon, |
| Burnett, | Hobby, | Martin, | Street, |
| Burton, | Houston. | Moore, | Terrell, |
| Duncan, | Lair, | Motley, | Tilson—20. |

Senator Brown, chairman of committee on engrossed bills, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 3, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on engrossed bills have examined and report correctly engrossed the following bills, viz:

Substitute Senate bill No. 52, entitled "An act to amend 'an act to provide for the incorporation of associations that may be organized for the purpose of constructing railways, maintaining and operating the same, for prescribing and defining the duties and limiting the powers of such corporations when so organized,' approved August 15, 1876;"

Senate bill No. 43, entitled "An act to transfer criminal cases from unorganized counties to organized counties having judicial jurisdiction thereof;"

Senate bill No. 44, entitled "An act to authorize the receiver of the general land office to refund money to depositors under certain circumstances."

BROWN, *Chairman.*

Senator Grace, chairman of committee on enrolled bills, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 3, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on enrolled bills have carefully examined and find correctly enrolled Senate bill No. 57, "An act to enable the municipal authorities of towns and cities, and the commissioners' courts of the counties wherein such towns and cities are situated, to co-operate with each other in improvements connected with the town or city and county

necessary to promote the sanitary regulations thereof," and presented the same to the governor for his signature this day at 11:25 o'clock A. M.

GRACE, *Chairman.*

Senator McCulloch offered a substitute for the pending bill (Senate bill No. 22).

Senator Blassingame moved the previous question on the bill and substitute.

Senator Storey called for the reading of the original bill.

Senator Blassingame withdrew his motion for the previous question.

Senator Patton offered the following amendment to the substitute:

"And the interest arising from said fund shall be appropriated to pay directors and professors of the college, and for the purpose of promoting instruction in those branches of learning and science which are designed to be fostered and encouraged under the act of congress of the United States making the donation of the fund, under the direction and at the discretion of the board of directors."

Senator Blassingame moved the previous question on the bill, substitute and amendment, but withdrew his motion.

The following messages were received from the governor and read:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, TEXAS, July 3, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of animal and hide inspectors in the following unorganized counties:

James H. Parks, Donley county.

A. B. Robertson, Runnels county.

A. W. Hilliard, Nolan county.

Respectfully,

O. M. ROBERTS, *Governor.*

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, July 3, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public; also to the following corrections in the names of notaries public, confirmed by the Sixteenth Legislature at the regular session:

Wm. F. M. Ross, Atascosa county.

Wm. J. Glenn, Austin county.

P. M. Neel, Bee county.

J. R. Mason, in place of George Paschal, who failed to qualify for the county of Bexar.

James G. Holloway, Chas. Y. Tapp, Bowie county.

William H. Warren, Marion county.

J. A. Morris, Cook county.

James Thompson, Collin county.

Jessee Goodman, Cass county.

Fritz Schewitz, DeWitt county.

H. M. Rhodus, J. N. Padget, Ellis county.

Leonard Magee, Falls county.

Frank D. Stewart, of Fannin county, in place of A. P. Bagby, who has left the county.

A. M. Erskim, Chas. H. Word, John. E. Bishop, Gaudalupe county.
F. M. Rogers, Wilson A. Green, Hopkins county.
W. M. Vaughan, Hill county.
J. G. Robinson, Hamilton county.
H. H. Wood, of Hunt county, in place of W. W. Wood (mistake in name); J. D. Hurst, Hunt county.
L. H. Williams, of Lamar county, in place of A. Dowlen, who failed to qualify; R. D. Wilkins, of Lamar county, instead of P. D. Wilkins (mistake in name); J. M. Long, in place of W. S. Griffin, deceased, of Lamar county.
R. A. McInnis, of Llano county.
D. B. Hartzell, of Navarro county, in place of J. C. Key, who failed to qualify.
J. W. L. Johnson, of Orange county.
Harry W. Bendy, Jr., Jasper county.
J. R. Daugherty, Kaufman county; M. H. Strain, of Kaufman county, in place of W. R. Strain (mistake in name).
S. N. Hedges, Karnes county.
Joseph A. McIntire, Matagorda county.
C. G. Fitze, Sam Lyle, Polk county.
D. M. Denson, W. H. Hillir, Rusk county.
M. H. Robinson, Smith county.
M. W. Buster, I. N. Hawkins, Parker county.
John F. Hankla, Sabine county.
W. H. Aldridge, of Tarrant county, in place of W. H. Baldrige (resigned).
E. M. Phelps, Victoria county.
George L. Alley, Williamson county.
E. Reiman, unorganized county of Baylor.
D. J. Bailly, Palo Pinto county; James E. Beaman, Palo Pinto county.
W. L. George, Brown county.
Ed. L. Barcroft, Van Zandt county.
Angus Ford, Webb county.
W. L. George, Brown county.
J. L. McKinsey, E. F. Yeager, Johnson county.
J. C. Anderson, Brazos county.
M. G. Bush, Grayson county, in place of H. D. Taylor who failed to qualify.
Edward T. Austin, Galveston county, in place of Oscar Finlay, who has removed from the county.

Respectfully, O. M. ROBERTS, *Governor*.

Senator Terrell moved that the Senate go into executive session on the above nominations, on to-morrow morning immediately after the morning call.

Carried.

Senator Lair moved the previous question on the pending bill.

On motion of Senator Ledbetter, the Senate adjourned until 5 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present.

Senator Lair withdrew the motion for previous question pending on adjournment.

Senator Gooch (by leave) introduced a bill entitled "An act designating what character of buildings shall be erected and what articles shall be manufactured at the East Texas Penitentiary, at Rusk."

Referred to committee on penitentiaries.

Senator Swain (by leave) introduced a joint resolution "Authorizing the comptroller to pay out certain moneys in his hands."

Referred to committee on finance.

Senator Lane (by leave) introduced a concurrent resolution "With regard to the bills and subjects that should be immediately acted on by the Legislature."

Lies over under the rule.

Senator Patton, chairman of committee on stock and stockraising (by leave), submitted the following report:

COMMITTEE ROOM, AUSTIN, July 4, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on stock and stockraising have examined substitute for House bill No. 74, entitled "An act to amend article 4652, chapter 5 of title 93 of the Revised Civil Statutes," and a majority of your committee direct me to recommend that the bill be amended by inserting between the words "chapter" and "but" the following words, viz: "*Provided*, that the said inspector shall in no case be authorized to receive or demand more than five cents per head for each head of cattle inspected," and that the bill so amended do pass. PATTON, *Chairman*.

Bill read first time.

Senator Storey, chairman of committee on finance (by leave), submitted the following report:

COMMITTEE ROOM, AUSTIN, July 3, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on finance have had under consideration joint resolution No., "Authorizing the comptroller to pay out certain moneys in his hands," and I am instructed to recommend that the resolution do pass. STOREY, *Chairman*.

Resolution read first time.

Senator Burton offered the following resolution:

WHEREAS, To-morrow is the anniversary of American independence; and, whereas, it is both a national and state holiday; therefore, be it

Resolved, That when the Senate adjourns for the day, that it adjourn to meet at 9 o'clock Saturday morning, the fifth instant.

Senator Storey moved to postpone the consideration of this resolution until 10 o'clock A. M. to-morrow.

Carried.

A message was received from the House announcing the passage by that body of substitute for House bills Nos. 18 and 19, entitled "An act to provide for the sale of the alternate sections of land in organized counties, as surveyed by railroad companies and other works of internal

improvements and set apart for the benefit of the common school fund, to provide for the investment of the proceeds, and to repeal all laws in conflict therewith;" and

That the House has adopted the report of the conference committee on the disagreements of the two arising from House amendments to Senate bill No. 45, "An act to provide for the printing, binding and distribution of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure," approved April 26, 1879.

Substitute for House bills Nos. 18 and 19, just reported from the House, was taken up and referred to the committee on state affairs.

The president, after reading their captions, signed the following bills, to wit:

House bill No. 49, entitled "An act to amend article 1136, chapter 1, title 28 of the Revised Civil Statutes, adopted February 21, 1879;"

House bill No. 33, entitled "An act to better provide for and facilitate the collection of all judgments in favor of the state or any county thereof," and

House bill No. 23, entitled "An act to enforce the collection of delinquent taxes."

Senate bill No. 22, which was pending on adjournment, was taken up. Senator Moore offered the following amendment:

"And the further sum of \$7500 per annum for each of the years ending August 31, 1880, and August 31, 1881, be and the same is hereby appropriated out of the interest arising from the university fund, to be under the control and management of the board to further the objects and interests of said college; and the appropriation herein made of the interest on the university fund shall not be construed to be in addition to such amount as may be appropriated by any other act of the Sixteenth Legislature."

Adopted.

Senator Storey offered the following amendment:

Before the word "one-half," where it first occurs, and insert the words "at least."

Strike out the word "one-half" where it last occurs, and insert the words "the balance."

Adopted.

Senator McCulloch withdrew his substitute for the pending bill offered this morning.

Bill ordered engrossed.

The rules were suspended and bill put on its third reading by the following vote:

| YEAS. | | | |
|--------------|----------|------------|--------------|
| Blassingame, | Edwards, | Ledbetter, | Storey. |
| Brown, | Ford, | Martin, | Street, |
| Buchanan, | Gooch, | Moore. | Swain. |
| Burnett, | Grace, | Patton, | Terrell, |
| Davenport, | Guy, | Shannon, | Tilson - 22. |
| Duncan, | Lair, | | |

NAYS.

McCulloch, Motley—2.
Not voting—Burton, Hobby, Houston, Lane, Ripetoe.
Bill read first time.

The following report was submitted by Senator Storey, as chairman of

conference committee on the differences of the two houses, on Senate bill No. 45:

COMMITTEE ROOM, AUSTIN, July 3, 1879.

Hon. J. D. Sayers, President of the Senate:

The committee of conference upon the differences of the two houses upon Senate bill No. 45, "An act to amend section 2 of 'an act to provide for the printing, binding and distribution of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure,'" approved April 26, 1879, have duly considered the same, and recommend—

1. That the Senate concur in the House amendment (proviso) added to section 2.

2. That the word "five," in line three of the last amendment adopted by the House, be stricken out and the word "six" inserted; and that the two houses then adopt the amendment as a part of the bill.

3. That all of lines four and five, from the last line of section 2, after the word "governor" in said fifth line, be stricken out, and insert the following: "That the sum of two hundred and fifty dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to carry this act into effect, and that the bill as amended be passed."

TAYLOR, of Marion,
FOSTER,
GAUSE,

of the House.

STOREY,
STREET,
LEDBETTER,

of the Senate.

On motion of Senator Storey, the report of the conference committee was adopted.

Senator Brown offered the following amendment:

"Section The board of directors shall, as soon as practicable, make due provision whereby the theory of agriculture and mechanics, including instruction in the elements and peculiarities of soils and plants, the chemical properties, the effect and value of fertilizers, together with such practical illustrations in the laboratory, garden, field and experimental workshop, as may be made without interfering with the prosecution of thorough courses of study that may be efficiently taught in said college."

Senator Tilson moved the previous question on the pending amendment and passage of the bill.

Motion seconded and main question ordered.

Pending amendment adopted by the following vote:

YEAS.

| | | | |
|--------------|----------|------------|------------|
| Blossingame, | Duncan, | Houston, | Motley, |
| Brown, | Edwards, | Lair, | Patton, |
| Buchanan, | Ford, | Lane, | Storey, |
| Burnett, | Gooch, | Ledbetter, | Street, |
| Burton, | Grace, | Martin, | Terrell, |
| Davenport, | Guy. | Moore, | Tilson—24. |

NAYS—none

Not voting—Hobby, McCulloch, Ripetoe, Shannon, Swain.

Bill passed.

On motion of Senator Lair, Senate bill No. 82, entitled "An act to provide for the sale of the public domain, and to apply the proceeds of such sale to the public school fund and to the payment of the public debt," was taken up and read second time.

Senator Shannon moved to postpone the bill until to-morrow at 10 o'clock A. M.

Withdrawn, and fifty copies ordered printed.

Senator Lane moved to postpone until after the executive session to-morrow.

Adopted.

Senator Ford moved to take up Senate bill No. 76, entitled "An act to attach the unorganized county of La Salle to the county of McMullen for surveying purposes."

Carried, bill read second time and ordered engrossed.

Senator Ford moved to suspend the rules and put the bill on its third reading.

Carried by the following vote:

| | | | |
|--------------|----------|------------|-------------|
| YEAS. | | | |
| Blassingame, | Duncan, | Houston, | Patton, |
| Brown, | Edwards, | Lair, | Shannon, |
| Buchanan, | Ford, | Ledbetter, | Stewart, |
| Burnett, | Gooch, | Martin, | Storey, |
| Burton, | Grace, | McCulloch, | Street, |
| Davenport. | Guy, | Moore, | Tilson--24. |

NAYS—none.

Not voting—Hobby, Lane, Motley, Ripetoe, Swain, Terrell.

Bill read third time and passed by the following vote:

| | | | |
|------------|------------|------------|------------|
| YEAS. | | | |
| Burnett, | Guy, | McCulloch, | Stewart, |
| Burton, | Hobby, | Moore, | Storey. |
| Davenport, | Houston, | Motley, | Street, |
| Duncan, | Lair, | Patton, | Terrell, |
| Ford, | Ledbetter, | Ripetoe, | Tilson—23. |
| Gooch, | Martin. | Shannon, | |

NAYS.

| | | | |
|-----------|----------|-------|----------|
| Brown, | Edwards, | Lane, | Swain—6. |
| Buchanan, | Grace, | | |

Not voting—Blassingame.

The following message was received from his excellency the governor:

EXECUTIVE OFFICE, STATE OF TEXAS, {
AUSTIN, July 3, 1879. }

To the honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointments of notaries public:

John F. Swayne, in Tarrant county, in place of J. T. Kinkle, deceased, and A. G. Johnson, in place of Haywood Harris, who declined, for Rusk county.

Respectfully, O. M. ROBERTS, *Governor.*

Senator Swain, chairman of the committee on penitentiaries (by leave), submitted the following report:

COMMITTEE ROOM, AUSTIN, July 3, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on penitentiaries have had under consideration Senate

bill No. 84, entitled "An act to prescribe what character of buildings shall be erected, and what articles shall be manufactured at the East Texas Penitentiary, at Rusk," and I am instructed unanimously by a full committee, to recommend that the bill do pass. SWAIN, *Chairman*.

Bill read first time.

Senator Gooch moved to suspend the rules and place the bill on its second reading.

Carried by the following vote:

| | | | |
|--------------|----------|------------|------------|
| YEAS. | | | |
| Blassingame, | Ford, | Ledbetter, | Shannon, |
| Brown, | Gooch, | Martin, | Stewart, |
| Buchanan, | Grace, | McCulloch, | Storey, |
| Burnett, | Guy, | Moore, | Street, |
| Davenport, | Hobby, | Motley, | Terrell, |
| Duncan, | Houston, | Patton, | Tilson—27. |
| Edwards, | Lair, | Ripetoe, | |

NAYS—none.

Not voting—Burton, Lane, Swain.

Bill read second time and ordered engrossed.

The rules were further suspended and bill placed on its third reading by the following vote:

| | | | |
|--------------|----------|------------|------------|
| YEAS. | | | |
| Blassingame, | Ford, | Ledbetter, | Shannon, |
| Brown, | Gooch, | Martin, | Storey, |
| Burnett, | Grace, | McCulloch, | Street, |
| Burton, | Guy, | Moore, | Swain, |
| Davenport, | Hobby, | Motley, | Terrell, |
| Duncan, | Houston, | Patton, | Tilson—27. |
| Edwards, | Lair, | Ripetoe, | |

NAYS—none.

Not voting—Buchanan, Lane.

Bill read third time and passed by the following vote:

| | | | |
|--------------|----------|------------|------------|
| YEAS. | | | |
| Blassingame, | Ford, | Lane, | Ripetoe, |
| Brown, | Gooch, | Ledbetter, | Shannon, |
| Burnett, | Grace, | Martin, | Storey, |
| Burton, | Guy, | McCulloch, | Street, |
| Davenport, | Hobby, | Moore, | Terrell, |
| Duncan, | Houston, | Motley, | Tilson—27. |
| Edwards, | Lair, | Patton, | |

NAYS—none.

Not voting—Buchanan, Swain.

Senator Storey introduced the following resolution:

Resolved, That the finance committee inquire into the necessity of making an appropriation to pay the interest on the four (4) per cent. interest-bearing debt of the state, and that they report by bill or otherwise.

Adopted.

Senator Blassingame moved that the Senate adjourn until 9 o'clock to-morrow morning.

Lost.

Senator Edwards offered a joint resolution repealing joint resolution No. 19, approved April 26, 1879.

Referred to the committee on public lands.

Senator Motley introduced the following resolution:

Resolved, That the secretary of the Senate be and he is hereby authorized and required to contract for and have published three hundred copies of the evidence taken by the joint sub-committee on asylums of the Sixteenth Legislature, with their comments in regard to the Deaf and Dumb Asylum, and that the same be paid for out of the contingent fund of the first called session of the Sixteenth Legislature.

Adopted.

Senator Storey moved that Senate bill No. 81 be taken up.

On motion of Senator Swain, the Senate adjourned until 9 o'clock tomorrow morning.

TWENTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, July 4, 1879. }

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Tilson, the reading of the journals was dispensed with and the same adopted.

Senator Lane, from committee on public lands, returned to the Senate Senate joint resolution No. 87, "Repealing joint resolution No. 19, approved April 21, 1879," and asked to be discharged from the consideration of the same, as he was chairman of that committee and Senate committeeman on the committee of land frauds.

Senator Storey moved to adopt the joint resolution.

The president ruled the motion out of order, as it had not been reported from any committee.

On motion of Senator Edwards, it was referred to committee on state affairs.

Senator Guy introduced a bill entitled "An act to amend the charter of the city of Dallas."

Referred to judiciary committee No. 1.

On motion of Senator Ledbetter, the Senate went into executive session.

IN SENATE.—(Senator Duncan in the chair.)

On motion of Senator Shannon, it was ordered that the journals of yesterday should state that the nominations sent in by the governor for cattle and hide inspectors, and the various notaries public, were confirmed in executive session.

The acting president laid before the Senate, Senate bill No. 78, "An act to regulate the practice of medicine and pharmacy, and to repeal an act," which was read a second time.

(President in the chair.)

A message was received from the House announcing the passage by that body of Senate bill No. 6, "An act prescribing the times of holding the district courts in the several counties composing the twenty-second judicial district."

Senator Brown submitted the following reports: